

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Frank Witte

Confirmation No. 6989

Serial No. 10/575,232

Group Art Unit 1636

Filed April 7, 2006

Examiner Sullivan, Daniel

For CARTILAGE REGENERATION BY GENERATION OF CHONDRONS
UNDER HIGH CONCENTRATIONS OF MAGNESIUM

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed May 23, 2008, applicant elects the Group 1 invention, including claims 1-12, with traverse as to the Group 2 invention (claims 13-15), and without traverse as to the Group 3 invention (claim 16). As is recognized by the Examiner, the method of Group 2 is a combination that includes the method of Group 1. However, the cited prior art is not detrimental to the common inventive concept as proposed in the office action. The inventors found that culturing the cells in unphysiologically high magnesium concentration, and during cultivation, elevating the unphysiologically high magnesium concentration further, results in the generation of chondrons, and, as a consequence thereof in the preparation of cartilaginous tissue. As such, the claims of Group 2 should be considered with the claims of Group 1.

Please proceed to examination on the merits.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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